

AMENDED IN ASSEMBLY JANUARY 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 917

Introduced by Assembly Member Nestande

February 26, 2009

~~An act to amend Section 1 of the Education Code, relating to education.~~ *An act to amend and renumber Section 17617 of, and to add Section 17583 to, the Government Code, relating to school districts.*

LEGISLATIVE COUNSEL'S DIGEST

AB 917, as amended, Nestande. ~~Education.~~ *School districts: state mandates.*

Under the California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on a local government, including school districts, the state is required to provide a subvention of funds to reimburse the local government, with specified exceptions.

The California Constitution also provides that, with respect to a city, county, city and county, or special district, but not a school district, for the 2005–06 fiscal year and every subsequent fiscal year, for a mandate for which the costs of a local government claimant have been determined in a preceding fiscal year to be payable by the state pursuant to law, the Legislature shall either appropriate, in the annual Budget Act, the full payable amount that has not been previously paid, or suspend the operation of the mandate for the fiscal year for which the annual Budget Act is applicable in a manner prescribed by law, and that, payable claims for costs incurred prior to the 2004–05 fiscal year that have not been paid prior to the 2005–06 fiscal year may be paid over a term of years, which statutory law prescribes to be 15 years.

This bill, for the 2009–10 fiscal year and every subsequent fiscal year, for a mandate for which the costs of a school district claimant have been determined in a preceding fiscal year to be payable by the state, would require the Legislature to appropriate, in the annual Budget Act, the full payable amount that has not been previously paid, or require the mandate to be suspended by operation of law for the fiscal year for which that annual Budget Act is applicable. The bill would allow payable claims for costs incurred prior to the 2007–08 fiscal year that have not been paid prior to the 2009–10 fiscal year to be paid over a term of 5 years. The bill would exempt specified school-related mandates from these provisions.

~~Existing law identifies specified statutes that govern the operation of the public school system as the Education Code.~~

~~This bill would make a technical, nonsubstantive change to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 17583 is added to the Government Code,*
- 2 *to read:*
- 3 *17583. (a) Notwithstanding any other law, for the 2009–10*
- 4 *fiscal year and every subsequent fiscal year, for a mandate for*
- 5 *which the costs of a school district claimant have been determined*
- 6 *in a preceding fiscal year to be payable by the state pursuant to*
- 7 *this part, the Legislature shall appropriate, in the annual Budget*
- 8 *Act, the full payable amount that has not been previously paid,*
- 9 *and, if that amount is not appropriated, the mandate shall be*
- 10 *suspended by operation of law for the fiscal year for which that*
- 11 *annual Budget Act is applicable.*
- 12 *(b) Payable claims for costs incurred prior to the 2007–08 fiscal*
- 13 *year that have not been paid prior to the 2009–10 fiscal year may*
- 14 *be paid over a term of five years.*
- 15 *(c) This section shall not apply to any of the following mandates:*
- 16 *(1) Criminal background checks I (Chapter 594, Statutes of*
- 17 *1998) and criminal background checks II (00-TC-05, and Chapters*
- 18 *594 and 840, Statutes of 1998 and Chapter 78, Statutes of 1999).*
- 19 *(2) Pupil expulsions (05-PGA-04 [CSM-4455] Chapter 1253,*
- 20 *Statutes of 1975; Chapter 965, Statutes of 1977; Chapter 668,*

1 *Statutes of 1978; Chapters 498 and 1302, Statutes of 1983; Chapter*
2 *856, Statutes of 1985; Chapter 134, Statutes of 1987; Chapter*
3 *1231, Statutes of 1990; and Chapter 146, Statutes of 1994).*

4 *(3) Pupil suspensions, expulsions, and expulsion appeals*
5 *(Chapter 1253, Statutes of 1975; Chapter 965, Statutes of 1977;*
6 *Chapter 668, Statutes of 1978; Chapters 498 and 1302, Statutes*
7 *of 1983; Chapter 856, Statutes of 1985; Chapter 134, Statutes of*
8 *1987; Chapter 1231, Statutes of 1990; and Chapter 146, Statutes*
9 *of 1994).*

10 *(4) High School Exit Exam (00-TC-06, Chapter 1, Statutes of*
11 *1999x; and Chapter 135, Statutes of 1999).*

12 *(5) Charter schools (CSM 4437, Chapter 781, Statutes of 1992)*
13 *and charter schools II (99-TC-03, Chapters 34 and 673, Statutes*
14 *of 1998).*

15 *(6) Open Meetings Act/Brown Act Reform (Chapter 641, Statutes*
16 *of 1986; Chapters 1136, 1137, and 1138, Statutes of 1993).*

17 *SEC. 2. Section 17617 of the Government Code is amended*
18 *and renumbered to read:*

19 ~~17617.~~

20 *17582. The total amount due to each city, county, city and*
21 *county, and special district, for which the state has determined that*
22 *reimbursement is required under paragraph (2) of subdivision (b)*
23 *of Section 6 of Article XIII B of the California Constitution, shall*
24 *be appropriated for payment to these entities over a period of not*
25 *more than 15 years, commencing with the Budget Act for the*
26 *2006–07 fiscal year and concluding with the Budget Act for the*
27 *2020–21 fiscal year.*

28 ~~SECTION 1. Section 1 of the Education Code is amended to~~
29 ~~read:~~

30 ~~1. This code shall be known and may be cited as the Education~~
31 ~~Code.~~